



October 11, 1999

Mr. Dennis D. Morgan  
Assistant County Attorney  
Fort Bend County  
301 Jackson, Suite 620  
Richmond, Texas 77469-3108

OR99-2893

Dear Mr. Morgan:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128475.

The Fort Bend County In-Home Boot Camp (the "county") received a written request for the following categories of information:

1. Names/addresses/telephone numbers of all juveniles at the Fort Bend County In-Home Boot Camp for the calendar year 1998.
2. Names/addresses/telephone numbers/cause numbers of any juveniles whose probation was revoked due to being unsuccessfully discharged from the Fort Bend County In-Home Boot Camp from January 1989 through December 1998, or since the Fort Bend County In-Home Boot Camp has been in existence.
3. Curriculum Vitae of Carl Crisco, Captain of the Fort Bend County In-Home Boot Camp.

You state that information responsive to item 3 listed above has been released to the requestor. You contend that remaining requested information is held by the county's juvenile probation department and, therefore, is made confidential under section 58.007(b) of the Family Code.

Section 552.101 of the Government Code protects information considered to be confidential by law, either constitutional, *statutory*, or by judicial decision. Section 58.007(b) of the Family Code provides as follows:

Except as provided by Article 15.27, Code of Criminal Procedure, the records and files of a juvenile court, a clerk of court, *a juvenile probation department*, or a prosecuting attorney relating to a child who is a party to a proceeding under this title are open to inspection only by:

- (1) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (2) a juvenile justice agency as that term is defined by Section 58.101;
- (3) an attorney for a party to the proceeding;
- (4) a public or private agency or institution providing supervision of the child by arrangement of the juvenile court, or having custody of the child under juvenile court order; or
- (5) with leave of the juvenile court, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the court. [Emphasis added.]

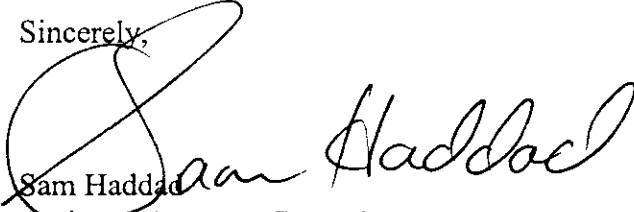
Absent "leave of the juvenile court," the requestor does not appear to be among those listed individuals having a right of access to the probation department's records. We conclude the county must withhold the remaining requested information pursuant to section 58.007(b) of the Family Code.<sup>1</sup>

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<sup>1</sup>In your brief to this office, you cited to an open records decision from 1996 regarding juvenile records held by law-enforcement agencies. Please note that the Family Code has been amended since that time. We suggest that you consult current law when responding to future open records requests.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

  
Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/RWP/nc

Ref.: ID# 128475

cc: Mr. P.M. Clinton  
International Investigations  
P.O. Box 801141  
Houston, Texas 77280  
(w/o enclosures)